

Monthly Hotline Report
February 1998

EPA530-R-98-005b
SUB-9224-98-002

RCRA, Superfund, and EPCRA

RCRA, Superfund, and EPCRA
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RCRA Docket

EPA and state personnel can order the Monthly Hotline Report from the RCRA Docket at (703) 603-9230. The order number for the 1998 yearly subscription is EPA530-R-98-005.

Hotline Questions and Answers

RCRA

1. Storage of Mixed Waste in Violation of RCRA Section 3004(j)
Storage Prohibition

RCRA Section 3004(j) prohibits the storage of any prohibited hazardous waste, including radioactive mixed waste, except for the purpose of accumulating quantities necessary to facilitate proper waste recovery, treatment, or disposal (Section 268.50). A "prohibited" hazardous waste is a waste ineligible for land disposal unless it meets the land disposal restrictions treatment standards found in Section 268.40 and is currently subject to those standards. EPA has concluded that when no viable treatment for the waste exists, storage of a waste pending development of such treatment technology does not "constitute storage to accumulate sufficient quantities to facilitate proper treatment or disposal" (61 FR 18588; April 26, 1996). While the Federal Facility Compliance Act of 1992 (FFCA) did exempt certain Department of Energy (DOE) facilities storing mixed waste from Section 3004(j), it did not exclude non-DOE and commercial facilities. How does EPA enforce the RCRA Section 3004(j) storage prohibition at non-DOE and commercial facilities currently storing mixed waste in violation of this provision?

In response to the current lack of treatment and disposal capacity for mixed waste, EPA has established an enforcement policy for facilities storing mixed waste in violation of the RCRA Section 3004(j) storage prohibition (56 FR 42730; August 29, 1991). The policy states that commercial facilities storing mixed waste in violation of Section 3004(j) due to a lack of available treatment or disposal capacity are considered by EPA to be a reduced or low priority among potential civil enforcement actions as long as the waste is managed in an environmentally responsible manner. The enforcement policy applies only to those facilities generating small amounts of mixed waste. EPA believes a facility is managing its mixed waste in an environmentally responsible manner when it can demonstrate that it has: conducted an inventory of the facility's mixed waste storage areas to assess and assure compliance with all other applicable RCRA storage standards; identified and maintained records of all mixed wastes generated; developed and implemented, where feasible, a mixed waste minimization plan; and documented good faith efforts to find available treatment technologies and disposal capacity for its stored mixed waste. The enforcement policy does not apply to prohibited mixed wastes for which treatment technology or disposal capacity exists, or becomes available prior to April 1998.

EPA's primary enforcement concern is with violations of Section 3004(j) by generators who are storing mixed wastes for which treatment or disposal capacity is available, or who are not managing their waste in an environmentally responsible manner. It is important to note that the enforcement policy applies only to civil judicial and administrative enforcement, and does not extend to criminal violations of RCRA, for which the U.S. Attorney General has sole prosecutorial discretion.

The original enforcement policy was scheduled to terminate on December 31, 1993, with the provision that EPA may renew it beyond 1993 if necessary. Since that time, EPA has extended the enforcement policy twice. The first extension, in 1994, extended the policy for two years, until April 20, 1996 (59 FR 18813; April 20, 1994). This extension did not apply to executive branch federal facilities, as these facilities were still eligible for the FFCA's three-year delay of the waiver of sovereign immunity. The Second extension came in 1996 and set the expiration date of April 20, 1998 (61 FR 18588; April 26, 1996). Since the FFCA three-year delay has expired, the enforcement policy now applies to executive branch federal facilities other than DOE and joint Navy/DOE Naval Nuclear Propulsion Program (NNPP) facilities.

2. Definition of Transporter and Transporter Signature on Manifest

A generator contracts with a hazardous waste transport company to haul hazardous waste from the generator to a TSDF. While in transit, the driver of the truck brings the hazardous waste to a transfer facility. A second driver, from the same transport company, hauls the waste from the transfer facility to the TSDF. Must the generator identify the second driver on the manifest as a second transporter? Must the second driver sign the manifest since he is a new individual taking possession of the waste?

The generator does not need to identify the second driver on the manifest, nor would the second driver need to sign the manifest when he takes possession of the waste. When the same transport company conducts all transportation activities, and there is no interruption in that company's custody and control, it is unnecessary for generators to identify individual drivers of a transport company on the manifest.

The term "transporter" and a transporter's EPA identification number refer to the entire company involved in the transport of hazardous waste, not individuals within the company. Custody of a given shipment of hazardous waste lies with the entity that is associated with the EPA identification number listed on the manifest, not with the individual operating the transport vehicle. Therefore, when waste shipments are exchanged among individuals within the same transport company, a generator is not required to identify those individuals as multiple transporters on the manifest and no signature is required of those drivers. The signature and EPA identification number of a second transporter are required on the manifest only when a second transport company, with its own EPA identification number, takes possession of the waste.

3. Certification of Tank Closure During Partial Closure

Owners or operators of treatment, storage, or disposal facilities (TSDF) must submit a written closure plan identifying the steps to be performed during partial and/or final closure of their facility (Sections 264.112/265.112). Partial closure is the closure of only one or more hazardous waste management units, while other units at the same facility continue to operate

(Section 260.10). In contrast, final closure means the closure of all hazardous waste management units at the facility. To demonstrate that final closure has been completed, the owner or operator must obtain certification from an independent registered professional engineer that closure has been completed in accordance with the specifications of the closure plan (Sections 264.115/265.115). Does an owner or operator of a permitted or interim status hazardous waste storage tank need to certify partial closure if the tank is the only unit being closed at the TSDF?

Owners or operators are not required to certify partial closure of tanks until all hazardous waste management units are closed and final closure is certified for the entire facility. Owners or operators may without difficulty certify closure for tanks, containers, and incinerators in accordance with the approved closure plan at final closure (51 FR 16422, 16433; May 2, 1986). Although these units do not require certification during partial closure, the owner or operator is still required to remove or decontaminate all waste residues, contaminated tank system components, and contaminated soils in accordance with their approved closure plan (Sections 264.197/265.197). In addition to the federal requirements, owner or operators should contact their state agencies, which may have additional closure provisions.

UST

4. Water-Cooling USTs and Leak Detection Requirements

Underground storage tanks (USTs), for the purposes of the federal regulations in 40 CFR Part 280, are defined as any one or combination of tanks, and their associated piping, which are used to contain an accumulation of regulated substances and that are 10 percent or more beneath the ground (Section 280.12). Regulated substances include petroleum products and hazardous substances identified under CERCLA Section 101(14). A series of connected USTs containing glycol ether, a regulated substance, are used to cool water for a production process. The tanks are subject to the upgrading requirements for existing tanks because the system was in use prior to December 22, 1988 (Section 280.21). The owner has met all of the requirements for upgrading existing UST systems except for the spill and overfill requirements. The tank system operates as a closed system: there is never any addition or removal of glycol ether. Does the tank system still need to meet the upgrading requirements for spill and overfill protection if there is never any transfer of product?

USTs must have spill and overfill protection (Section 280.20(c)). The tank would need spill and overfill devices such as a spill catchment basin or bucket, along with an automatic shut-off device, flow restrictor, or alarm, in order to comply with the spill and overfill requirements in Section 280.20(c). However, tanks which have product transfers of 25 gallons or less are not subject to the spill and overfill standards (Section 280.20(c)(2)(ii)). Therefore, if the water-cooling tanks received 25 gallons or less of glycol ether at any one time the tanks would not be subject to the spill and overfill requirements. Also, under Section 280.20(c)(2)(i), the implementing agency may approve alternative equipment.

CERCLA

5. Administrative Subpoenas Under CERCLA

As a result of a Potentially Responsible Party (PRP) Search, EPA identifies four parties primarily responsible for the contamination of a site listed on the National Priorities List (NPL). During settlement negotiations with one of these PRPs, EPA seeks to determine the financial viability of the party. In order to accomplish this, may EPA issue an administrative subpoena compelling either testimony and/or the production of documents?

Yes. CERCLA Section 122(e)(3)(B) authorizes EPA to gather by subpoena information, including financial information, relevant to settlement issues. A court has previously addressed a similar situation to that presented in the question and upheld EPA's use of a CERCLA subpoena to gather financial information over the subpoena recipient's objection (*United States v. Northside Sanitary Landfill, Inc.*, Misc. No. 889-95 (S.D. Ind. May 4, 1990)).

In general, administrative subpoenas may be issued as "necessary and appropriate" for performing a non-binding preliminary allocation of responsibility (NBAR) "or for otherwise implementing" CERCLA Section 122. An administrative subpoena may be used in negotiations with some or all affected PRPs, or where EPA judges that available information points to favorable prospects for settlement.

It is EPA's policy that, as a practical matter, subpoenas may and should be issued whenever responses to Section 104(e) information requests indicate that a person is connected to a site as a PRP, and that settlement may be an appropriate resolution of the matter (Recommendations Concerning the Use and Issuance of Administrative Subpoenas under Section 122, EPA, Office of Enforcement, August 30, 1991).

New Publications

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server (gopher.epa.gov) will be archived and henceforth available via the Internet solely on the World Wide Web server.

RCRA

TITLE: Measuring Recycling: EPA's Voluntary Standard Method

AVAILABILITY: Hotline

EPA ORDER NO.: EPA530-F-97-048

This pamphlet describes the document Measuring Recycling: A Guide for State and Local Governments and its positive effect on the collection of recycling data.

TITLE: Partnership in Solid Waste Management

AVAILABILITY: Hotline

EPA ORDER NO.: EPA530-F-97-050

This brochure details the positive aspects of initiating partnerships in solid waste management between municipalities and tribal groups.

TITLE: Preparing Successful Grant Proposals

AVAILABILITY: Hotline

EPA ORDER NO.: EPA530-F-97-051

This brochure provides a step-by-step approach to the grant proposal process and includes a case study of an Alaskan tribe's grant proposal for a "Jobs-through-Recycling" grant.

TITLE: Waste Minimization National Plan: Reducing Toxics in Our Nation's Waste

AVAILABILITY: Hotline

EPA ORDER NO.: EPA530-F-97-028

This folder contains fact sheets detailing waste minimization successes from individual corporations. These include corporations such as the Charles H. Lilly Corporation, the Ford Motor Company, and the HADCO Corporation. It also contains the Waste Minimization: Reducing Toxics in Our Nation's Waste brochure, EPA530-F-97-010, and the most recent Strategy Update newsletter.

TITLE: Waste Minimization: Increased Profits and Productivity, HADCO Corporation

AVAILABILITY: Hotline

EPA ORDER NO.: EPA530-F-97-009

This fact sheet details the success of the waste minimization program at the HADCO Corporation, a manufacturer of electronic components.

TITLE: Waste Minimization: Increased Profits and Productivity, Harris Corporation

AVAILABILITY: Hotline

EPA ORDER NO.: EPA530-F-97-020

This fact sheet explains the Harris Corporation's successes with its waste minimization program in their radio and television transmitters manufacturing process.

TITLE: Waste Minimization: Reduction in Combustible Waste, FMC Corporation

AVAILABILITY: Hotline

EPA ORDER NO.: EPA530-F-97-021

This fact sheet details the success of the waste minimization program at the FMC Corporation, which reduced combustible waste by recycling solvents.

TITLE: Waste Minimization: Increased Profits and Productivity, PPG Industries

AVAILABILITY: Hotline

EPA ORDER NO.: EPA530-F-97-022

This fact sheet enumerates PPG Industries' successes with their waste minimization program in their automotive coatings plant.

TITLE: Waste Minimization: Reducing Releases of Chlorinated Solvents, Ford Motor Company

AVAILABILITY: Hotline

EPA ORDER NO.: EPA530-F-97-023

This fact sheet details the success of the waste minimization program at Ford Motor Company. They accomplished this success through a change in the design of the production line.

TITLE: Waste Minimization: Relief from RCRA Large Quantity

Generator Status: 105th Airlift Wing, New York Air National Guard

AVAILABILITY: Hotline

EPA ORDER NO.: EPA530-F-97-024

This fact sheet details the success of the waste minimization program for the New York Air National Guard. They were able to move from large quantity to small quantity generator status.

TITLE: Waste Minimization: Increased Profits and Productivity, Charles H. Lilly Company

AVAILABILITY: Hotline

EPA ORDER NO.: EPA530-F-97-025

This fact sheet details the success of the waste minimization program for the Lilly Company. The company implemented a reuse system for their wastewater, thereby changing from large quantity to small quantity generator.

TITLE: Waste Minimization: Reducing Paint Waste Through Efficiency: General Motors Hamtramck Plant

AVAILABILITY: Hotline

EPA ORDER NO.: EPA530-F-97-026

This fact sheet details the success of the waste minimization program for the General Motors plant. Changes to their process were implemented in order to minimize the amount of waste they generate.

UST

TITLE: Controlling UST Cleanup Costs: Fact Sheets

AVAILABILITY: Hotline

EPA ORDER NO.: EPA510-F-98-008

This series of five fact sheets is newly available as one document. It provides basic information for owners and operators on the UST

cleanup process, including hiring a contractor, negotiating the contract, interpreting the bill, managing the process, and understanding contractor "code words."

TITLE: Federal UST Technical Regulations
 AVAILABILITY: Hotline/Internet
 EPA ORDER NO.: EPA510-F-98-009
 URL: <http://www.epa.gov/swerust1/fedlaws/index.htm>

This document is a partial reprint of the UST technical standards found in 40 CFR Part 280; the document excludes Subpart H, on financial responsibility, and Subpart I, on lender liability.

TITLE: MTBE Fact Sheet #1: Overview
 AVAILABILITY: Hotline/Internet
 EPA ORDER NO.: EPA510-F-98-001
 URL: <http://www.epa.gov/OUST/mtbe>

This fact sheet discusses the use, regulation and health effects of the fuel additive methyl tertiary-butyl ether (MTBE).

TITLE: MTBE Fact Sheet #2: Remediation of MTBE Contaminated Soil and Groundwater
 AVAILABILITY: Hotline/Internet
 EPA ORDER NO.: EPA510-F-98-002
 URL: <http://www.epa.gov/OUST/mtbe>

This fact sheet outlines remediation techniques for MTBE-contaminated soil and groundwater, including the relative merits of different remediation techniques and contrasting MTBE remediation with other petroleum hydrocarbon remediation.

TITLE: MTBE Fact Sheet #3: Use and Distribution of MTBE and Ethanol
 AVAILABILITY: Hotline/Internet
 EPA ORDER NO.: EPA510-F-98-003
 URL: <http://www.epa.gov/OUST/mtbe>

This fact sheet discusses why MTBE is used as a gasoline additive, and the extent of its use in the United States.

CERCLA

TITLE: Risk Assessment Guidance for Superfund: Volume I, Human Health Evaluation Manual (Part D, Standardized Planning, Reporting, and Review of Superfund Risk Assessments), Interim Final
 AVAILABILITY: Internet
 OSWER DIRECTIVE NO.: 9285.7-01d
 URL: <http://www.epa.gov/superfund/oerr/techres/ragsd/ragsd.html>

This document is the fourth part in a series of guidance manuals on Superfund human health risk assessment. This manual provides guidance on standardized risk assessment planning, reporting, and review throughout the CERCLA remedial process, from scoping through remedy selection and completion. The guidance does not address standardization of ecological risk assessments, nor does it discuss the risk management decisions that are necessary at a CERCLA site (e.g., selection of final remediation goals).

TITLE: Interim Guidance on Maximizing Insurers' Contributions to Responses at Residences Contaminated with Methyl Parathion

AVAILABILITY: Internet

URL: <http://es.epa.gov/oeca/osre/costrec.html>

This document provides guidance to EPA Regions on maximizing contributions from property owners' insurers, in the form of payments on policy claims and/or response work, to reduce EPA's costs for temporary relocation of homeowners and for decontamination and restoration of residences contaminated by methyl parathion.

TITLE: Policy on Interpreting CERCLA Provisions Addressing Lenders and Involuntary Acquisitions by Government Entities

AVAILABILITY: Internet

URL: <http://es.epa.gov/oeca/osre/liabil.html>

This policy clarifies the circumstances in which EPA intends to apply as guidance the provisions of the CERCLA Lender Liability Rule and its preamble in interpreting CERCLA's amended secured creditor exemption. The document also reminds readers of the effects of the CERCLA Lender Liability Rule and the sections of the preamble that address involuntary acquisitions by government entities.

TITLE: Final Guidance on the Issuance of Administrative Orders Under Sections 311(c) and (e) of the Clean Water Act

AVAILABILITY: Internet

URL: <http://es.epa.gov/oeca/osre/opa-ust.html>

This document describes the legal authority for the issue of administrative orders for the cleanup and prevention of discharges and threatened discharges of oil and hazardous substances into navigable waters, adjoining shorelines, and certain other areas. The guidance recommends joint use of the Sections 311(c) and (e) enforcement authorities whenever possible because of the broader reach of orders issued under both authorities. Joint orders, as well as orders issued under the separate authorities, may be issued either unilaterally or by consent.

TITLE: Transmittal of Policy for Municipality and Municipal Solid Waste CERCLA Settlements at NPL Co-Disposal Sites

AVAILABILITY: NTIS/Internet

NTIS ORDER NO.: PB98-118 003

URL: <http://es.epa.gov/oeca/osre/settle.html>

This document states that EPA will continue its policy of generally not identifying generators and transporters of municipal solid waste (MSW) as potentially responsible parties at NPL sites. In addition, this MSW Policy identifies a presumptive settlement range for municipal owners and operators of co-disposal sites on the NPL who want to settle their Superfund liability.

TITLE: Reporting Requirements for Continuous Releases of Hazardous Substances: A Guide for Facilities on Compliance

AVAILABILITY: Internet

OSWER DIRECTIVE NO.: 9360.7-01A

URL:

http://www.epa.gov/superfund/oerr/techres/cr_erns/faciliti.htm

This guidance provides definitions and explanations of the reporting

requirements for continuous releases. The document is designed for those facilities that choose to report using the reduced reporting continuous release option and provides facilities with necessary information for meeting this requirement. This 1997 revised edition of Reporting Requirements for Continuous Releases of Hazardous Substances: A Guide for Facilities on Compliance replaces and updates the October 1990 edition.

TITLE: Assessing Reports of Continuous Releases of Hazardous Substances: A Guide for EPA Regions
 AVAILABILITY: Internet
 OSWER DIRECTIVE NO.: 9360.7-04A
 URL:
http://www.epa.gov/superfund/oerr/techres/cr_erns/region.htm

This guidance provides EPA Regional personnel definitions and explanations of the reporting requirements for continuous releases. The guide is divided into two parts: part one provides general information regarding the continuous release rule; part two contains detailed information regarding specific portions of the rule. This 1997 revised edition of Assessing Reports of Continuous Releases of Hazardous Substances A Guide for EPA Regions replaces and updates the October 1990 edition.

EPCRA

TITLE: Emergency Planning and Community Right-to-Know Act Section 313 Addendum to the Guidance Documents for the Newly Added Industries
 AVAILABILITY: Hotline
 EPA DOCUMENT NO.: 745-B-98-001
 URL: <http://www.epa.gov/opptintr/tri/industry.htm>

This publication clarifies and provides additional guidance to industries recently added to the list of industry sectors that must make threshold determinations under EPCRA Section 313. Presented in question and answer format, the addendum addresses issues raised during training sessions held for newly added facilities in 1997. The addendum also amends and clarifies portions of the industry specific guidance (EPA745-B-97-011 through EPA745-B-97-016).

TITLE: Risk Management Program: RMP*SubmitTM RMP*InfoTM
 AVAILABILITY: Hotline
 EPA DOCUMENT NO.: 550-F-98-012
 URL: <http://www.epa.gov/swercepp/fct-shts.html>

Under the Accidental Release Prevention program of the CAA Section 112(r), certain stationary sources are required to submit risk management plans (RMPs) by June 21, 1999. This fact sheet briefly describes RMP*Submit, the software that EPA is developing to assist stationary sources in submission of RMPs, and RMP*Info, the access system currently being developed to provide the public with access to RMP data.

TITLE: LandViewTM III
 AVAILABILITY: Hotline
 EPA DOCUMENT NO.: 550-F-98-012
 URL: <http://www.epa.gov/swercepp/fct-shts.html>

This fact sheet announces availability of LandView III, a CD-ROM that combines geographic, demographic, and environmental information extracted from EPA, Bureau of Census, U.S. Geological Survey, Nuclear Regulatory Commission, Department of Transportation, and the Federal Emergency Management Agency databases. Users may use LandView III to display, query, and analyze maps and corresponding data.

TITLE: Interim Final Enforcement Response Policy for Sections 304, 311, and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act

AVAILABILITY: Hotline

EPA DOCUMENT NO.: NA

URL: <http://es.epa.gov/oeca/ore/tped/toxpest.html>

The purpose of this enforcement response policy is to aid in calculating proposed penalties for all civil administrative actions under EPCRA Sections 304, 311, and 312 as well as Section 103 of CERCLA. The policy describes penalty authorities and discusses determining the nature, extent, gravity and circumstances of a violation. This policy supercedes the June 13, 1990, final penalty policy.

Federal Registers

Federal Register Availability

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For RCRA/UST and selected CERCLA Federal Registers, choose:

Federal Register (FR) - Waste. For selected EPCRA Federal

Registers, choose: Federal Register (FR) - Toxic Release Inventory.

Final Rules

RCRA

Clarification to Technical Amendments to Solid Waste Programs; Management Guidelines for Beverage Containers and Resource Recovery Facilities Guidelines
February 4, 1998 (63 FR 5739)

EPA clarified a technical amendment correcting the effective date of a direct final rule published on December 31, 1996 (61 FR 69032). The amendment changes the effective date of the final rule to December 30, 1997. The rule removed solid waste management guidelines for beverage containers (40 CFR Part 244) and guidelines for resource recovery facilities (40 CFR Part 245).

Technical Amendments to Alabama: Final Authorization of Revisions to State's Hazardous Waste Management Program; Correction of Effective Date Under Congressional Review Act (CRA) February 10, 1998 (63 FR 6666)

EPA announced a correction in the effective date for approval of Alabama's hazardous waste program. The effective date was changed from January 20, 1998, to February 6, 1998.

CERCLA

Reimbursement to Local Governments for Emergency Responses to Hazardous Substances; Final Rule February 18, 1998 (63 FR 8284)

EPA published the interim final rule to streamline the procedures used to reimburse local governments for costs incurred in taking temporary emergency measures related to releases of hazardous substances. The requirements found at 40 CFR Part 310 have been reorganized for clarity into a question and answer format. EPA revised the regulation to ease reporting requirements and simplify the procedures that local governments follow when applying for reimbursement.

Proposed Rules

Cross-Program

Effluent Limitations Guidelines, Pretreatment Standards and New Source Performance Standards for the Landfills Point Source Category February 6, 1998 (63 FR 6425)

EPA proposed to develop Clean Water Act (CWA) national effluent limitations for wastewater discharges to navigable waters associated with the operation of new and existing hazardous and non-hazardous landfill facilities regulated under RCRA Subtitle C or Subtitle D. Comments on the proposal must be received by May 7, 1998, and a public hearing and workshop is scheduled for February 24, 1998.

Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination, and Suspension of Permits February 25, 1998 (63 FR 9464)

EPA proposed technical amendments to the Consolidated Rules of Practice (CROP) governing the administrative assessment of civil penalties in 40 CFR Part 22. Comments on the proposal must be submitted on or before April 27, 1998.

NOTICES

Cross-Program

Multi-Agency Radiation Survey and Site Investigation Manual
February 11, 1998 (63 FR 6915)

The Department of Defense, Department of Energy, EPA, and the U.S. Nuclear Regulatory Commission are announcing the availability for use of the Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM), a multi-agency consensus document.

RCRA

Technical Amendments to West Virginia; Final Approval of State Underground Storage Tank Program; Correction of Effective Date under Congressional Review Act (CRA)
February 10, 1998 (63 FR 6667)

EPA announced a correction in the effective date for approval of West Virginia's underground storage tank program. The effective date was changed from October 23, 1997 to February 10, 1998.

Information Collection Request for the Land Disposal Restrictions Surface Impoundment Study
February 10, 1998 (63 FR 6752)

EPA requested comments on the Information Collection Request (ICR) entitled "Land Disposal Restrictions Surface Impoundment Study" before submitting it to the Office of Management and Budget (OMB) for review and approval. Comments on the ICR must be submitted on or before April 13, 1998.

Agency Information Collection Activities: Submission for OMB Review, Comment Request; Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures
February 11, 1998 (63 FR 6924)

EPA announced that it has submitted the following ICR to OMB for review and approval: "Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures." Comments must be submitted on or before March 13, 1998.

Advisory Committee on Nuclear Waste; Notice of Meeting
February 12, 1998 (63 FR 7188)

The Advisory Committee on Nuclear Waste (ACNW) announced a meeting scheduled for February 24-26, 1998. The meeting will include discussion of recent developments in projects such as the Yucca Mountain repository for radioactive waste.

Open Meeting of the Industrial Non-Hazardous Waste Stakeholders Focus Group
February 18, 1998 (63 FR 8196)

EPA announced an open meeting of the Industrial Non-Hazardous Waste Stakeholders Focus Group. The Focus Group will facilitate the exchange of information relating to the development of voluntary guidance for the management of industrial waste in landfills, waste piles, surface impoundments, and land application units.

Underground Injection Control Program Hazardous Waste Land Disposal Restrictions; Petition for Reissuance of an Exemption - Class I Hazardous Waste Injection Wells, E.I. du Pont de Nemours & Co., Inc. (DuPont)
February 19, 1998 (63 FR 8450)

EPA granted a DuPont petition for the reissue of an exemption to the land disposal restrictions for the Class I injection wells located at the Victoria, Texas, facility. The effective date for this action is February 11, 1998.

CERCLA

National Priorities List, Celanese Corporation Shelby Fiber Site
February 9, 1998 (62 FR 6507)

Notice of Intent for Partial Deletion

Announcement and Publication of the Policy for Municipality and Municipal Solid Waste; CERCLA Settlements at NPL Co-Disposal Sites
February 18, 1998 (63 FR 8197)

EPA announced the publication of the Policy for Municipality and Municipal Solid Waste; CERCLA Settlements at NPL Co-Disposal Sites. This policy supplements the 1989 MSW Settlement Policy and continues the agency's policy of generally not identifying generators and transporters of MSW as PRPs at NPL sites. In an effort to reduce litigation costs, the policy establishes a unit cost formula (\$5.30/ton) for those generators and transporters seeking to resolve their liability to protect themselves from private party contribution claims. The policy also establishes a presumptive settlement range for municipal owners and operators of co-disposal sites on the NPL who wish to resolve their liability. The policy further establishes a settlement baseline of 20 percent of the total estimated response costs for the site as an amount for municipalities to resolve owner/operator liability; Regions may offer settlements differing from this baseline amount, but generally not exceeding 35 percent of the total estimated response costs.

Superfund Program; Revisions to Model CERCLA RD/RA Consent Decree
February 25, 1998 (63 FR 9541)

EPA published revisions to selected provisions of the Model CERCLA RD/RA Consent Decree. The revisions, which will supersede the corresponding provisions in the previous version of the Model published in 1995, affect future response costs, notice of obligations to successors-in-title, and access and institutional controls.

EPCRA

Public Meetings on the Toxics Release Inventory Reporting Form
February 3, 1998 (63 FR 5517)

EPA will hold approximately nine meetings to solicit comments relating to the Toxics Release Inventory Reporting Form R. The purpose of the meetings is to obtain comments and suggestions from stakeholders on ways to streamline reporting and ease access to

available information. This notice announces two upcoming meetings.

Emergency Planning and Community Right-to-Know, Section 313,
Toxic Release Inventory Reporting, Notice of Receipt of Petition
February 10, 1998 (62 FR 6691)

EPA announced the receipt of a petition from the Natural Resources
Defense Council (NRDC), Defenders of Wildlife, National Audubon
Society, and the Humane Society of the United States requesting the
addition of SIC Code 45, Transportation by Air, to the list of facilities
covered under Section 313 of EPCRA. EPA is seeking comment from
interested or potentially effected parties.

Spring 1998 Training for EPCRA Section 313 Reporting
Requirements
February 12, 1998 (63 FR 7167)

EPA announced the dates and locations of a series of training courses
on the reporting requirements of EPCRA Section 313 and Section 6607
of the Pollution Prevention Act. The dates of the courses and
registration information is contained in the notice.

Consent Decrees

RCRA

Consent Decree; United States v. ASARCO, Inc.
February 19, 1998 (63 FR 8473)

Consent Decree; United States v. Metech International, Inc.
February 27, 1998 (63 FR 10040)

CERCLA

Consent Decree; United States v. Alcas Cutlery Corp., et al.
February 5, 1998 (63 FR 5967)

Consent Decree; United States v. AVX Corporation
February 5, 1998 (63 FR 5967)

Consent Decree; United States v. McGraw-Edison Company
February 5, 1998 (63 FR 5967)

Consent Decree; United States v. City of Rockford, Illinois
February 5, 1998 (63 FR 5967)

Prospective Purchaser Agreement; ICG Iselin Railroad Yard Superfund
Site
February 11, 1998 (63 FR 6933)

Proposed Agreement and Covenant Not To Sue; Allied Paper/Portage
Creek/Kalamazoo River Superfund Site
February 12, 1998 (63 FR 7168)

Proposed Settlement; Riverfront Landfill Superfund Site
February 12, 1998 (63 FR 7169)

Proposed Settlement Agreement; In re R.C. Dick Geothermal Corporation
February 12, 1998 (63 FR 7180)

Proposed Settlement; LCP Chemicals Georgia Site
February 17, 1998 (63 FR 7785)

Proposed Administrative De Micromis Settlement; Pollution
Abatement Services Superfund Site
February 18, 1998 (63 FR 8201)

Consent Decree; United States v. Agway, Inc.
February 19, 1998 (63 FR 8472)

Consent Decree; United States v. Cowles Media Company, et al.
February 19, 1998 (63 FR 8474)

Consent Decree; United States v. FAG Bearings Corp.
February 19, 1998 (63 FR 8474)

Consent Decree; United States v. Hillsborough County, Florida, et al.
February 19, 1998 (63 FR 8475)

De Minimis Consent Decree; United States v. Imlay City, et al.
February 19, 1998 (63 FR 8475)

Supplemental Notice of Consent Decree; United States et al. v. City of
Rockford, Illinois
February 24, 1998 (63 FR 9261)

Consent Decree; United States v. Harold Shane, et al.
February 24, 1998 (63 FR 9262)

Call Analysis

This month, the Hotline responded to a total of 24,492 questions and document requests.

Caller Profile

RCRA/UST Hotline

Regulated Community	4,697
Citizens	236
State & Local Government	358
Native Americans	12
Federal Agencies	71
Educational Institutions	178
EPA	135
Media	36
Interest Groups	69
Congress	1
International	3
Other	0
Referrals*	405
Transfers to EPCRA/Superfund Hotline*	162
Document Retrieval Line*	243
Message Retrieval Line*	1,169

TOTAL NUMBER OF CALLERS 7,765

Emergency Planning and Community Right-to-Know/Superfund

Hotline

Manufacturers

Food/Tobacco	54
Textiles	7
Apparel	4
Lumber & Wood	5
Furniture	3
Paper	51
Printing & Publishing	41
Chemicals	138
Petroleum & Coal	26
Rubber and Plastics	17
Leather	2
Stone, Clay & Glass	19
Primary Metals	22
Fabricated Metals	66
Machinery (Excluding Electrical)	41
Electrical & Electronic Equipment	21
Transportation Equipment	21
Instruments	64
Misc. Manufacturing	399

Subtotal	1,001
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Consultants/Engineers	2,741
Attorneys	899
Citizens	655
Public Interest Groups	16
Educational Institutions	61
EPA	70
Federal Agencies	40
GOCOs	6
Congress	0
State Officials/SERC	269
Local Officials/LEPCs	129
Fire Departments	2
Hospitals/Laboratories	62
Trade Associations	3
Union/Labor	5
Farmers	10
Distributors	32
Insurance Companies	2
Media/Press	12
Native Americans	3
International	12
Other	220
Referrals*	166
Transfers to RCRA/UST Hotline*	177
Document Retrieval Line*	0
Message Retrieval Line*	123

TOTAL NUMBER OF CALLERS	5,715
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*No caller profile data available

Hotline Topics

RCRA

RCRA GENERAL	1,540
SUBTITLE C	
Hazardous Waste Id. - General	1,524(1)
Characteristics	848
Listings	884
Mixture Rule	141
Derived-From	91
Contained-In Policy	233
Sampling	43
Solid and Hazardous Waste Exclusions	600
Radioactive Mixed Waste	34
Delisting Petitions	52
Definition of Solid Waste/Hazardous	
Waste Recycling	453
Large Quantity Generators	1,910(1)
Small Quantity Generators	408(1)
CESQGs	158
Transporters	157
Exports/Imports	65
TSDFs	
General Facility Standards	425
Unit Standards	409(1)
Air Emissions	186
Combustion - General	69
BIFs	47
Incinerators	22
Draft Strategy	17
Waste Minimization	53
LDR	
Applicability	336(1)
Notifications/Certification	102
Treatment Standards	307(1)
Permits and Permitting	261
State Programs	298
Financial Assurance	56
Closure/Post-Closure	91
Corrective Action	242
Enforcement	120
Hazardous Waste Data	235
Test Methods	103
Indian Lands	4
Used Oil Standards	304(1)
Military Munitions	15
OTHER WASTES	
Ash	1
Bevill Amendment (Mining Waste)	13
Medical Wastes	190(1)
Oil and Gas	36
SUBTITLE D	
Household Hazardous Wastes	54
Subtitle D - General	160
Technical Standards	28
Industrial Wastes	18
Municipal Wastes	98
Indian Lands	12
Financial Assurance	2
Solid Waste Recycling/Markets -	
General	359(1)
Aluminum	0
Batteries	6

Glass	0
Paper	1
Plastics	12
Tires	10
Used Oil	18
Composting	9
Procurement	69
Source Reduction/Pollution Prevention	118(1)
Grants and Financing	8

TOTAL QUESTIONS 14,065*

* Includes 3,081 RCRA document requests.

UST

General/Misc.	267
Applicability/Definitions	199
Regulated Substances	49
Closure	87
1998 Deadline	321(1)
Standards for New Tank Systems	121
Tank Standards and Upgrading	115(1)
Replacing/Closing	39
Release Detection	189(1)
Reporting Requirements	16
Operating Requirements	9
Corrective Action for USTs	55(1)
Financial Responsibility	52
Enforcement	21
State Programs	46
Private Sector	2
Indian Lands	9
LUST General/Miscellaneous	35
RBCA	1
Technologies	2
Solvency/Cost Controls	3

TOTAL QUESTIONS 1,638*

* Includes 643 UST document requests.

EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW

General:

General Title III Questions	419
Trade Secrets	14
Enforcement	33
Liability/Citizen Suits	1
Training	6
Chemical-Specific Information	98

Emergency Planning (Sections 301-303):

General	60
Notification Requirements	25
SERC/LEPC Issues	73
EHSs/TPQs	169(1)
Risk Communication/ Hazards Analysis	34
Exemptions	2

Emergency Release Notification
(Section 304):

General	121
Notification Requirements	15
Reportable Quantities	160(1)
CERCLA Section 103 vs. SARA Section 304	33
ARIP/AHEDB/ERNS	1
Exemptions	4

Hazardous Chemical Reporting
(Sections 311-312):

General	312(1)
MSDS Reporting Requirements	579(1)
Tier I/II Requirements	1,138(1)
Thresholds	352
Hazard Categories	21
Mixtures Reporting	90
Exemptions	269(1)

Toxic Chemical Release Inventory
(Section 313):

General	320(1)
AFR	123
Reporting Requirements	289
Thresholds	74
Form R Completion	240
Supplier Notification	27
NOTES/NOSEs/NONs	21
Voluntary Revisions	7
Pollution Prevention 33/50	26
Public Access to Data	98
TRI Database	59
Petitions	7
TRI Expansion	98
Exemptions	59

Special Topics:

CAA Section 112 General	189
RMPs	293(1)
List of Regulated Substances	184(1)
Federal Facilities Executive Order	9

TOTAL QUESTIONS 6,152

*Includes 1,696 Emergency Planning and Community Right-to-Know document requests

SUPERFUND

General/Misc.	250
Access & Information Gathering	52
Administrative Improvements	
General	37
Environmental Justice/Brownfields	85(1)
SACM/Presumptive Remedies	13
Soil Screening Levels	23
Administrative Record	67
ARARs	45(1)
CERCLIS	44
Citizen Suits	3
Claims Against Fund	11
Clean-Up Costs	26
Clean-Up Standards	37

Community Involvement	29
Contract Lab Program (CLP)	7
Contractor Indemnification	21
Contracts	1
Definitions	41
Enforcement	42
Federal Facilities	14
Hazardous Substances	182(1)
HRS	83
Liability	41
Local Gov't Reimbursement	19
Natural Resource Damages	14
NCP	141
Notification	35
NPL	119(1)
Off Site Rule	6
OSHA	119
PA/SI	24
PRPs	73
RD/RA	33
Reauthorization	21
Remedial	90
Removal	24
RI/FS	71
Risk Assess./Health Effects	84
ROD	61
RQ	298(1)
Settlements	41
SITE Program	5
State Participation	2
State Program	3
TAGs	8
Taxes	3
Special Topics	
Oil Pollution Act	50
SPCC Regulations	139(1)
Lead Contamination	0

TOTAL QUESTIONS 2,637*

*Includes 591 Superfund document requests.

Total Hotline Questions and Document Requests: 24,492

(1) Hot topics for this month

Topics are calculated as the summation of all questions received by the Hotline. A single call may result in multiple questions.